

BEFORE THE

## Federal Communications Commission

WASHINGTON, D.C.

In the Matter of

Advanced Television Systems and Their  
Impact upon the Existing Television  
Broadcast Service

)  
)  
)  
)  
)

MM Docket No. 87-268

To: The Commission

RECEIVED  
JAN - 2 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**MOTION FOR EXTENSION OF TIME FOR THE FILING OF  
REPLY COMMENTS IN RESPONSE TO SIXTH FURTHER  
NOTICE OF PROPOSED RULE MAKING**

Sinclair Broadcast Group, Inc.<sup>1/</sup> and Sullivan Broadcasting Company, Inc. (collectively, "Group Owners"), hereby request that the Commission extend by sixty (60) days the deadline for the filing of reply comments in response to the Sixth Further Notice of Proposed Rule Making in this proceeding, 11 FCC Rcd 10968 (1996) ("Sixth Further Notice"). As set forth herein, additional time is necessary for Group Owners and other UHF licensees to finalize and present a technical and commercially reasonable solution that creates better coverage parity between UHF and VHF stations and also ameliorates the seriously adverse effects on UHF television stations inherent in the primary DTV allotment plans now under the Commission's consideration.

Group Owners are among the nation's largest owners of VHF and UHF television stations. Collectively, they own, or have proposed to acquire, a total of 30 full-power television

<sup>1/</sup> Although Sinclair Broadcast Group, Inc. was a signatory to the Comments of the Broadcasters' caucus in this proceeding, upon further study it has concluded that it cannot support the allotment plan contained in the Broadcasters' filing.

No. of Copies rec'd 0+11  
List ABCDE

stations, 28 of which broadcast on UHF channels. Group Owners thus have a vital interest in seeing that the viability of UHF television is preserved in the digital age.

Group Owners have spent considerable time reviewing and analyzing the various DTV channel allotment plans that have been advanced in this proceeding. Upon further study of these plans, Group Owners now have grave concerns about the effect of the plans primarily under consideration on UHF television stations, which comprise 53% of the commercial full-power television stations in the U.S. These concerns stem from the concept of "service replication" that underlays these plans. While the concept of replicating NTSC stations' existing coverage seems reasonable at first glance, Group Owners' further analysis has revealed that a DTV allotment plan that merely replicates the existing contours of NTSC stations will result in vast power disparities between VHF and UHF stations. This is especially true if the FCC adopts its proposal to "pack" most DTV channels into the UHF band. In effect, Group Owners believe that mere "service replication" in an all-UHF digital world would result in power levels for UHF stations that are so inadequate as likely to cripple or destroy UHF broadcasters, and favor VHF operators which are relocating to the UHF band.

Under the present NTSC system, UHF stations are authorized to operate at much higher maximum powers than VHF stations. These differences in authorized power were designed to compensate for the poorer propagation characteristics of UHF signals, which among other things are more affected by terrain, obstructions, ghosting, foliage, and adverse weather conditions than are VHF signals. The public interest justification for the Commission to award VHF stations more power than UHF stations, however, disappears when all stations are operating in the UHF band. Thus, simply replicating the existing service areas of NTSC stations on DTV channels actually creates enormous and unfair power differences between VHF and UHF stations --

whereby VHF stations converting to the UHF band will be authorized to operate at power levels between ten and one hundred times greater than their UHF competitors.

As an example, consider two television stations operating in Baltimore, Maryland -- WBAL-TV, operating on VHF Channel 11; and WBFF(TV), operating on UHF Channel 45. Under a replication of service area principle, WBAL-TV will be authorized to operate at approximately 2700 kilowatts of power in order to match its current service area on its assigned UHF DTV channel. With a DTV signal, however, WBFF(TV) will be authorized to operate at only approximately 27 kilowatts of power to replicate its current service area. Thus, under a DTV allotment system based on replication of service area, WBAL-TV will be able to operate at a power level some one hundred times greater than its local competitor WBFF(TV). This is manifestly unfair and is the functional equivalent of low power UHF versus high power VHF today.

This vast disparity in power means at least two things to the UHF station. First, the difference in output power translates into a difference in received field strength, which in practical terms means ease of reception. This is a concern not only on the fringes of the station's service area, but especially inside the station's Grade A contour. The Grade A contour is where a station's signal is supposed to be most easily receivable and where most of the station's audience (and therefore revenue) is generated. In fact, however, at such a low power the UHF station's signal will have great difficulty in penetrating brick and concrete buildings and in being received by poor antennas -- viewing conditions that are much more prevalent within the station's Grade A contour than outside it. Moreover, in the DTV world there is no such thing as a poor signal. Because of DTV's well-known "cliff effect," if a received signal is too weak, the picture simply disappears. Thus, the propagation difficulties caused by the UHF station's weakly powered

signal will be manifested not merely in the degradation of reception, but in total loss of reception. The former VHF station operating in the UHF band at power a hundred times greater, of course, will be better equipped to overcome these obstacles.

Second, the UHF station's low power will have a significant adverse effect on the station's ability to provide ancillary services such as data transmission, because data receiving equipment will likely have much poorer receiver efficiency than a TV receiver. While the Commission has extolled the ability to provide such additional services as a hallmark of DTV, it is doubtful that UHF stations will be able to provide these services reliably, let alone at all competitively, with the very low power they will be permitted under a "coverage replication" allotment plan. Thus, UHF broadcasters -- who historically have been competitively inferior to their VHF counterparts -- will be denied the additional revenue streams that ancillary services would provide. Of course, established VHF broadcasters, with DTV power levels exponentially higher, will be able to take full advantage of these additional revenue streams.

In short, Group Owners are deeply concerned that a DTV allotment plan based on a strict "replication of coverage" principle will severely disadvantage UHF broadcasters. Group Owners firmly believe that the marketplace, not the government, should determine the success or failure of competitors in the world of DTV. The plans presently under the Commission's consideration, however, will create by government fiat a competitive television industry structure of "haves" and "have nots" based on stations' former NTSC frequency bands. In this environment, former VHF stations will be authorized to operate with thousands of kilowatts of power. Their local UHF competitors (who have never achieved parity with their VHF counterparts under the NTSC system) effectively will be relegated to the status of LPTV stations. Their power will amount to just a fraction of that which VHF stations enjoy, and will be insufficient even to provide a usable

signal within substantial portions of their Grade A contours, let alone successfully offer the kinds of new services that the Commission regards as integral to the DTV age. This imbalance is further exacerbated by the fact that the Commission's allotment plan proposes replication only of stations' existing service contours, with expansions of those contours authorized only after the DTV allotment plan is implemented.

In light of these concerns, Group Owners are developing a proposal that will resolve the starkly inequitable status of VHF and UHF stations that is inherent in the major DTV allotment plans that have been advanced to date. In order that such a proposal can be finalized and presented in this proceeding, Group Owners respectfully request that the Commission extend by sixty (60) days the deadline for filing reply comments on the Sixth Further Notice. Group Owners, like all television broadcasters, desire that the Commission adopt an initial DTV Table of Allotments as soon as possible. However, Group Owners believe that a 60-day extension of the reply comment deadline will not prejudice any party to this proceeding, and will not measurably delay the adoption of a DTV Table of Allotments. Most importantly, any minimal delay that is occasioned by the requested extension is easily outweighed by the need for the Commission to have a full record on the effects that its actions in this most important proceeding have on UHF broadcasters, which constitute a significant and historically disadvantaged portion of the television industry.

Accordingly, for the reasons set forth herein, Group Owners request that the Commission extend for sixty (60) days the deadline for the submission of reply comments on the Sixth Further Notice in this proceeding.

Respectfully submitted,

**SINCLAIR BROADCAST GROUP, INC.**

FISHER WAYLAND COOPER  
LEADER & ZARAGOZA L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006  
(202) 659-3494

By: 

Martin K. Leader  
Gregory L. Masters

Its Attorneys

**SULLIVAN BROADCASTING  
COMPANY, INC.**

18 Newbury Street  
Boston, MA 02116  
(617) 369-7755

By: \_\_\_\_\_

David Pulido  
Executive Vice President

Dated: January 2, 1997

6

Respectfully submitted,

**SINCLAIR BROADCAST GROUP, INC.**

**FISHER WAYLAND COOPER  
LEADER & ZARAGOZA L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006  
(202) 659-3494**

By: \_\_\_\_\_  
Martin R. Leader  
Gregory L. Masters

Its Attorneys

**SULLIVAN BROADCASTING  
COMPANY, INC.**

18 Newbury Street  
Boston, MA 02116  
(617) 369-7755

By: David Pulido  
David Pulido  
Executive Vice President

Dated: January 2, 1997

PAWP51DOC\GLM\1070030P.001

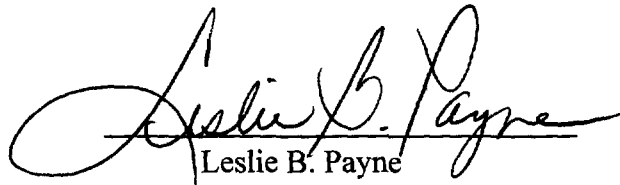
**CERTIFICATE OF SERVICE**

I, Leslie B. Payne, a secretary in the law firm of Fisher Wayland Cooper Leader & Zaragoza L.L.P., do hereby certify that true copies of the foregoing **"MOTION FOR EXTENSION OF TIME FOR THE FILING OF REPLY COMMENTS IN RESPONSE TO SIXTH FURTHER NOTICE OF PROPOSED RULE MAKING"** were sent this 2nd day of January, 1997, by hand delivery, to the following:

Richard M. Smith, Chief  
Office of Engineering and Technology  
Federal Communications Commission  
2000 M Street, N.W., Room 412  
Washington, D.C. 20554

Bruce A. Franca  
Office of Engineering and Technology  
Federal Communications Commission  
2000 M Street, N.W., Room 416  
Washington, D.C. 20554

Robert Eckert  
Office of Engineering and Technology  
Federal Communications Commission  
2000 M Street, N.W., Room 270  
Washington, D.C. 20554

  
Leslie B. Payne